

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) **SEXUAL ASSAULT WITH AN OBJECT.**—The term "sexual assault with an object" means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) **SEXUAL FONDLING.**—The term "sexual fondling" means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) **EXCLUSIONS.**—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

#### MEASURE READ THE FIRST TIME—S. 1434

Mr. FRIST. Mr. President, I understand that S. 1434, introduced by Senator LINCOLN earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1434) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. FRIST. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

#### ORDERS FOR TUESDAY, JULY 22, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m. Tuesday, July 22. I further ask that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees; provided that at 11 a.m. the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until 11 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. The chairman and ranking member made their opening statements on the bill and one

amendment was offered during today's session.

Tomorrow, we will continue the amendment process. Any Senators who wish to offer an amendment are encouraged to contact the two managers. Rollcall votes will occur tomorrow and Members will be notified as to when the first vote is scheduled.

It is my intention to complete action on this vital appropriations bill early this week. Upon completion of the Homeland Security bill, the Senate will take up other appropriations bills as they become available. I also inform my colleagues that rollcall votes are possible each day this week.

In addition, as I mentioned in opening this morning, the plan for next week is to take up, once again, the Energy bill. I expect to complete that bill before our recess. We will be spending all of next week on the Energy bill.

#### RECESS UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 4:22 p.m. recessed until Tuesday, July 22, 2003, at 9:45 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 2003:

##### DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

##### DEPARTMENT OF ENERGY

PAUL MORGAN LONGSWORTH, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.